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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,749	10/03/2003	Jerry Petterson	4448-2	4902

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EXAMINER

ALI, MOHAMMAD

ART UNIT PAPER NUMBER

2166

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/677,749

Applicant(s)

PETTERSON, JERRY

Examiner

Mohammad Ali

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to the application filed on 10/03/03.

The application has been examined and claims 1-14 are pending in this Office Action.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Using the element number should avoided.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over David W. Stebbings ('Stebbing's' hereinafter), USP, 6,684,199 in view of Downs et al. ('Downs' hereinafter), USP, 6,226,618.

With respect to claim 1,

Stebbing's teaches a method reducing piracy copying of recorded media residing in storage means connected to a computer, by enhancing the sound quality of said media when played in specific end-user equipment (see col. 1, lines 16-24), comprising the steps of:

providing an end-user equipment with a specific identifier code utilized to provide said end-user equipment with recorded media (user controls and their interface to the player's circuitry is monitored by a microprocessor. A software program controls "end-user" several modes of player operation. Subcode data is also used to direct the pickup to the proper disc location. A time code is used to locate the start of any track, see col. 8, lines 1-5, Stebbings);

generating filter parameters in a sound processing engine corresponding to said specific identifier code and its related end-user equipment, said filter parameters enhancing the sound quality of the recorded media for the end-user equipment having said specific identifier code (the decoder uses conventional decoder flags, such as the standard flag output from the decoder, to filter or remove predetermined errors from the data. These errors are removed from the data without destroying the original data since the errors are small or insignificant enough to not affect, the audio data broadcast for

the human ear. Predetermined errors are removed from the encrypted data as well. That is, the error removal step applies equally well to data that is in plain text or in encrypted form, because the rules for removing errors are independent of the form of the data. Error corrector, or decoder, flags like do not know whether the data being handled is audio or video, or whether the data is encrypted, see col. 20, liens 19-31, Stebbings);

storing said filter parameters for every end-user equipment specific identifier code in said storage means (a method authenticates at least one of a media and data stored on said media in order to prevent at least one of piracy, unauthorized access and unauthorized copying of the data stored on said media. At least one predetermined error is introduced with the data resulting in mixed data. The mixed data is optionally stored on the media, see col. 15, lines 55-58, Stebbings);

providing a site for purchase of recorded media, said purchase being initialized through at least the request of said end-user equipment identifier code (the audio data contained on this particular CD is stripped of all necessary keys required for subsequent playback on another CD player or recorder. Thus, because predetermined errors have already been removed by the Reed-Solomon decoder from the output data, the second CD player/recorder, if positioned to intercept the audio or other data output, does not receive any predetermined errors (or the authorization and/or decryption keys/codes), and therefore, cannot play the data thereon. The second CD player/recorder cannot also record the audio data onto an unauthorized CD with the keys that have been

previously filtered. Therefore, the present invention also prevents the manufacture and/or distribution of pirated CDs, see col. 19, lines 55-67, Stebbings);

filtering said purchased media through the stored filter parameters corresponding to the specific identifier code (the data media is a CD 20 onto which predetermined errors are intentionally embedded. Predetermined errors, in a digital recording, are normal on-off binary codes represented by ones and zeros in which normal binary codes are intentionally altered to represent errors, see col. 20, lines 45-48, Stebbings);

said filtering thus enhancing the sound quality of the purchased media to be played on the end-user equipment corresponding to said specific identifier code (the separation of two error correction codes by an interleaving stage. Thus, one code can check the accuracy of the other code. Another important aspect about cross interleaving is that error correction is enhanced at the expense of redundancy; that is, the amount of redundancy is not increased, see col. 5, lines 24-29, Stebbings); and

delivering said filtered media (it is determined that the component correctly matches the authentication key(s), error correction occurs, in which predetermined errors are removed, data is filtered, data is converted to sensible audio and/or video output data, and ultimately transmitted to the user. The user's computer receives an efile free of predetermined errors and authentication key(s), at which point a user may record the efile. This efile is considered fraudulent for purposes of future Internet use, pursuant to the process outlined, because it does not contain the requisite predetermined errors for subsequent authentication, see col. 26, lines 34-45, Stebbings).

Stebbings does not explicitly indicate claimed purchase of recorded media.

Downs discloses claimed purchase of recorded media (when the End-User(s) submits the final purchase authorization to the Electronic Digital Content Store(s) for the merchandise he has collected in his shopping cart, his Web Browser remains active waiting for a response from the Web Server. The Web Server at the Electronic Digital Content Store(s) processes the purchase and performs the financial settlement and then returns a Transaction SC(s) to the End-User Device(s). The SC(s) Processor (Helper Application) is launched by the Web Browser to process the SC(s) mime type associated with the Transaction SC(s). An user interface screens of the Player Application downloading content to a local library, see col. 81, lines 10-22, Downs).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the purchase of recorded media of Downs teaching would have allowed Stebbings system to secure delivery and rights management of digital assets over the global communication networks as suggested by Downs at col. 1, lines 51-55.

As to claim 2,

Stebbings teaches wherein said computer is a server in a network for data or telecommunication or a combination of both said networks (see Fig. 22, Stebbings).

As to claim 3,

Stebbings teaches wherein the recorded media is music or film (see Fig. 22, Stebbings).

As to claim 4,

Stebbing teaches wherein the manufacturer of said end-user equipment provides the equipment with said identifier (see col. 19, lines 55-67, Stebbings).

As to claim 5,

Stebbing teaches wherein said site is a network site provided by a music or film distributing company or retailer (see Abstract, Fig. 12, Stebbings).

As to claim 6,

Stebbing teaches wherein the filter parameters are generated by a Dirac Live.TM. or Pro.TM. system or the like sound processing engine (see col. 26, lines 34-45 et seq, Stebbings).

As to claim 7,

Stebbing teaches wherein the specific identifier code is a Media Access Control address (MAC-address) (see col. 26, lines 10-18, Fig. 25, Stebbings).

Claims 8-14 have the same subject matter as of claims 1-7 and essentially rejected for the same reasons as discussed above.




**Contact Information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mohammad Ali  
Primary Examiner  
Art Unit 2166

MA  
April 12, 2006